

**ORIGINAL**

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of

**DOCKET FILE COPY ORIGINAL**

Amendment of Section 73.202(b)

Table of Allotments

FM Broadcast Stations

(Meeteetse, Wyoming)

MB Docket No. 05-243

**RECEIVED**

SEP 19 2005

Federal Communications Commission  
Office of Secretary

To: Office of the Secretary

Attn: Assistant Chief, Audio Division  
Media Bureau

**COUNTERPROPOSAL**

Sand Hill Media Corporation, licensee of Station KADQ-FM, Rexburg, Idaho, and Sandhill Media Group, LLC, licensee of Station KUPI-FM, Idaho Falls, Idaho (jointly "SHM"), by their counsel, hereby submit this counterproposal to the *Notice of Proposed Rule Making*, DA 05-2205 (rel. Jul. 29, 2005) ("*NPRM*") in the above-captioned proceeding. SHM proposes a number of changes to the FM Table of Allotments which, taken together, will provide first local services to two communities and substantially increase service to many listeners. The following amendments to the FM Table of Allotments are requested (listed alphabetically):

Community	Channel	
	Existing	Proposed
Idaho Falls, ID	256C1	263C1
Rexburg, ID	232C2, 263C1	232C1, 256C2
Soda Springs, ID	261C2	-
Lima, MT	-	262C2
Logan, UT	233C	233C0
Meeteetse, WY	273C <sup>1</sup>	288C
Wilson, WY	-	260C3

<sup>1</sup> The *NPRM* proposes to substitute Channel 259C for Channel 273C.

No. of Copies rec'd 04  
List A B C D E

In support hereof, SHM states as follows:

## **I. PRELIMINARY MATTERS**

1. SHM owns two of the five stations involved in this counterproposal. With respect to the three remaining stations, SHM has reached agreement with two of the three stations, Station KITT(FM), Soda Springs, ID, and Station KVFX(FM), Logan, Utah, for the changes proposed herein and the consent statements of the licensees, Tri-State Media Corporation and Sun Valley Radio, Inc., respectively, are attached hereto as Exhibit 1. SHM hereby states that it will reimburse the licensees for their expenses in making the changes. SHM requests that the Commission issue an Order to Show Cause to Brigham Young University – Idaho (“Brigham Young”), the licensee of Stations KBYI(FM), Rexburg, Utah, to show why its channel should not be changed at its current site as set forth herein. SHM hereby states that it will reimburse Brigham Young for its reasonable expenses in changing channels in accordance with *Circleville, Ohio*, 8 FCC 2d 159 (1967). Thus, this proposal complies with the Commission’s policy in *Columbus, Nebraska*, 59 RR 2d 1185 (1986).

## **II. CONFLICT WITH THE NPRM**

2. As indicated in the attached Engineering Statement, this proposal conflicts with the *NPRM* proposal to allot Channel 259C to Meeteetse, Wyoming, due to the proposed allotment of Channel 260C3 to Wilson, Wyoming. However, SHM offers Channel 288C as a substitute channel that can be allotted to Meeteetse and avoid the conflict<sup>2</sup>. If for some reason none of the substitute channels can be allotted, the Commission should favor first local services at Lima, Montana (2000 U.S. Census pop. 242), and Wilson, Wyoming (2000 U.S. Census pop. 1,294) and a first aural service to 322 persons over a first local service to Meeteetse, Wyoming

---

<sup>2</sup> Channels 292C, 267C, and 265C can also be allotted to Meeteetse as substitute channels.

(2000 U.S. Census pop. 351) under its FM priorities. *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982).

### **III. COMPLIANCE WITH THE COMMISSION'S TECHNICAL RULES**

#### **A. CHANNEL 262C2, LIMA, MONTANA**

##### **1. Technical Studies**

3. As indicated in the attached channel study, Figure 1, Channel 262C2 can be allotted to Lima, Montana, as its first local service, in compliance with the Commission's spacing rules provided that a change is made at Rexburg, Idaho for Station KBYI(FM). That change, and the other modification that it requires in turn, will be discussed below. From the proposed site the station will provide a 70 dBu signal to Lima. *See* Figure 2. This allotment will provide a first aural service to 322 persons and second aural service to 158 persons. *See* Figure 3. SHM hereby states that it will file an application specifying the new channel and construct the facilities if its application is granted.

##### **2. Community Indicia**

4. Lima, Montana is a community for allotment purposes. Lima is listed in the 2000 U.S. Census with a population of 242 persons and therefore is presumed to have the status of a community for allotment purposes. *See Arnold and Columbia, California*, 7 FCC Rcd 6302, ¶ 12 (1992). Lima has its own zip code (59739), and the U.S. Postal Service operates an office in Lima. Lima has a fire department, high school, and a number of local businesses. These businesses include, Lima Lumber & Hardware, Lima Tennis Club, Jan's Café & Cabins, Mesa Inn Sports Bar, and Mountain View Hotel. The Church of Jesus of Latter-Day Saints has a congregation in Lima. *See* Exhibit 2.

## **B. STATION KBYI(FM), REXBURG, IDAHO**

### **1. Technical Studies**

5. In order to allot Channel 262C2 to Lima, Montana, Station KBYI(FM), Rexburg, Idaho, must change its channel from 263C1 to 232C1. Channel 232C1 can be allotted to Rexburg at the allotment's current coordinates in compliance with the Commission's spacing rules provided that changes are made at Logan, Utah, and to another station at Rexburg, Idaho as discussed below. *See* Figure 4. From the current site the station will continue to provide a 70 dBu signal to Rexburg. SHM requests that the Commission issue an Order to Show Cause to Brigham Young University-Idaho, the licensee of Station KBYI(FM), Rexburg, Idaho, to show why KBYI(FM)'s channel should not be changed at its current site. SHM reiterates that it will reimburse the licensee for its reasonable expenses in changing channel in accordance with *Circleville, Ohio, supra*.

## **C. STATION KVFX(FM), LOGAN, UTAH**

6. In order to allot Channel 232C1 to Rexburg, Idaho, Station KVFX(FM), Logan, Utah, must change from Channel 233C to Channel 233C0 at its current transmitter site. Channel 233C0 can be allotted to Logan in compliance with the Commission's spacing rules. *See* Figure 16. The station will continue to place a 70 dBu contour over Logan. *See* Figure 17. The allotment of Channel 233C0 to Logan will result in a net increase in 60 dBu service to 141,896 people. *See* Figure 18. Sun Valley has provided a consent statement which reiterates that as the licensee of KVFX(FM), it will apply for Channel 233C0 and construct the facility if a permit is granted.

## **D. STATION KADQ-FM, REXBURG, IDAHO**

7. In order to allot Channel 232C1 to Rexburg, Idaho, Station KADQ-FM, Rexburg, Idaho, must change its channel from 232C2 to 256C2. Channel 256C2 can be allotted to

Rexburg at the Station's current site in compliance with the Commission's spacing rules provided that changes are made for Station KUPI-FM, Idaho Falls, Idaho, as discussed below. *See Figure 5.* From the current site the station will continue provide a 70 dBu signal to Rexburg. SHM reiterates that as the licensee of KADQ-FM, it will apply for Channel 232C2 and construct the facility if a permit is granted.

#### **E. STATION KUPI-FM, IDAHO FALLS, IDAHO**

8. In order to allot Channel 256C2 to Rexburg, Idaho, Station KUPI-FM, Idaho Falls, Idaho, must change its channel from 256C1 to 263C1. Channel 263C1 can be allotted to Idaho Falls at the allotment coordinates specified in the Engineering Exhibit in compliance with the Commission's spacing rules provided that changes are made for Station KITT(FM) at Soda Springs, Idaho as discussed below. *See Figure 6.* From the proposed site the station will continue provide a 70 dBu signal to Idaho Falls. *See Figure 7.* From this new site, the Station will provide an increase in population served to 59,687 persons. SHM reiterates that as the licensee of KUPI-FM, it will apply for Channel 263C1 and construct the facility if a permit is granted.

#### **F. STATION KITT(FM), SODA SPRINGS, IDAHO TO WILSON, WYOMING**

##### **1. Technical Studies**

9. In order to allot Channel 263C1 to Idaho Falls, Idaho, Station KITT(FM), Soda Springs, Idaho, must change its community of license from Soda Springs to Wilson, Wyoming and change its Channel from 261C2 to 260C3. As indicated in the attached channel study, Figure 9, Channel 260C3 can be allotted to Wilson, Wyoming in compliance with the Commission's spacing rules. From the proposed site the station will provide a 70 dBu signal to Wilson. *See Figure 10.* Channel 260C3 is short-spaced to the allotment of Channel 259C at Meeteetse, Wyoming proposed in the *NPRM*. Therefore, SHM's counterproposal is mutually

exclusive with the *NPRM*. As discussed below, alternate channels are available for allotment at Meeteetse, thus resolving the conflict. *See* Figure 13.

10. SHM has entered into an agreement with the licensee of KITT(FM), Tri-State Media Corporation, regarding the change. The licensee's consent to the change in channel is attached hereto in Exhibit 1. SHM reiterates that it will reimburse the licensee for its expenses in making the change in channel.

## **2. Change in Community of License**

11. In *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989), recon. granted in part, 5 FCC Rcd 7094 (1990), the Commission stated that in order to grant a change in community of license: (1) the proposed use of the channel must be mutually exclusive with its current use; (2) the existing community of license must retain local service; and (3) the proposed arrangement of allotments must be preferred over the existing arrangement under the Commission's allotment priorities.

12. The attached channel study, Figure 9, demonstrates that the proposed allotment of Channel 260C3 at Wilson is mutually exclusive with the current allotment of Channel 261C2 at Soda Springs. Soda Springs will retain existing local service, because Stations KBRV(AM) will remain licensed to Soda Springs. The provision of a first local service at Wilson (2000 U.S. Census pop. 1,294), under priority (3) is preferred over the retention of a second local service to Soda Springs (2000 Census pop. 3,381) under priority (4). The allotment of Channel 260C3 to Wilson will result in a net increase in 60 dBu service to 2,890 people. *See* Figure 11. The loss area will continue to receive adequate aural service. *See* Figure 12. This loss area will contain an area receiving only one local service. However, under priority 2, this loss is overridden by the provision of first local service to 1,294 persons at Wilson, 242 persons at Lima (priority 3) and a

first aural service (priority 1) from the allotment of Channel 262C2 at Lima, MT, as discussed earlier.

13. Wilson is not located in an Urbanized Area and the proposed 70 dBu contour of KITT(FM) will not encompass over 50% of any Urbanized Area. Therefore, this relocation does not implicate the Commission's policy regarding the migration of stations into urban areas. *See Faye and Richard Tuck, 3 FCC Rcd 5374 (1988).*

14. Wilson easily qualifies as a community for allotment purposes. Wilson is located in Teton County, Wyoming along the Teton Range. Wilson is listed in the 2000 Census with a population of 1,294 persons. It has a ZIP code (83014), a volunteer fire department, several businesses, a church (Wilson Community Fellowship) and various other community indicia. The United States Postal Service operates a post office in Wilson. The Teton County School District #1 operates the Wilson Elementary School. A number of local businesses identify with the community by using Wilson in their name including Wilson Back County Sports and Wilson Hardware & Lumber. The businesses located in Wilson include Teton Tree House Bed & Breakfast, Design West, Fish Creek Interiors, Inc., Rabbit Row Repair, Inc., Charney Architects LLC, Pumpkin Patch Pre-School, Nora's Fishcreek Inn, Otto Brothers Brewing Co., The Jackson State Bank & Trust and Hardeman Plumbing. *See Exhibit 3.*

#### **G. PROPOSED CHANNEL 259C, MEETEETSE, WYOMING**

15. As discussed above, SHM's proposal conflicts with the proposed allotment of Channel 259C at Meeteetse, Wyoming. The Commission had proposed the Meeteetse allotment on its own motion in order to eliminate a short spacing associated with the community's current vacant allotment. SHM offers the substitution of Channel 282C (or any of three other channels), which can be allotted to Meeteetse to resolve the conflict. *See Figures 13-15.* However, if for some reason the substitute channel cannot be allotted, the Commission should favor first local

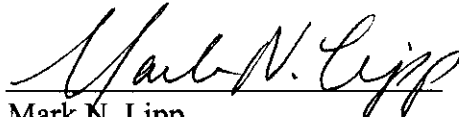
services at Lima, Montana (2000 U.S. Census pop. 242), and Wilson, Wyoming (2000 U.S. Census pop. 1,294) and a first aural service to 322 persons over a first local service to Meeteetse, Wyoming (2000 U.S. Census pop. 351) under its FM priorities. The SHM proposal has been demonstrated to provide a preferential arrangement of allotment and serve the public interest.

Accordingly, SHM urges the Commission to adapt this Counterproposal.

Respectfully submitted,

SANDHILL MEDIA GROUP, LLC

SAND HILL MEDIA CORPORATION

By:   
Mark N. Lipp  
J. Thomas Nolan  
Scott Woodworth  
Vinson & Elkins L.L.P.  
1455 Pennsylvania Ave, NW  
Suite 600  
Washington, DC 20004-1008  
(202) 639-6500

Their Counsel

September 19, 2005





**ENGINEERING STATEMENT**

**IN SUPPORT OF A  
COUNTERPROPOSAL**

**MB DOCKET 05-243**

**Sandhill Media Group, LLC  
Sand Hill Media Corporation**

**Prepared by:**

**Reynolds Technical Associates  
12585 Old Highway 280 East, Suite 102  
Chelsea, Alabama 35043  
(205) 618-2020**

**September 19, 2005**

**ENGINEERING STATEMENT**  
**In Support of a**  
**Counterproposal**  
MB Docket 05-243  
The Joint Parties  
Meeteetse, WY

**CONTENTS**  
**FOR ENGINEERING EXHIBITS**

---

**NAME**

Table of Contents

Statement of Engineers

Table 1

Exhibit E, Figure 1	NEW 262C2 Lima, MT - Allocation Study
Exhibit E, Figure 2	NEW 262C2 Lima, MT - 70 dBu Coverage Map
Exhibit E, Figure 3	NEW 262C2 Lima, MT – New Services Study
Exhibit E, Figure 4	KBYI 232C1 Rexburg, ID – Allocation Study
Exhibit E, Figure 5	KADQ-FM 256C2 Rexburg, ID – Allocation Study
Exhibit E, Figure 6	KUPI-FM 263C1 Idaho Falls, ID – Allocation Study
Exhibit E, Figure 7	KUPI-FM 263C1 Idaho Falls, ID – 70 dBu Coverage Map
Exhibit E, Figure 8	KUPI-FM 263C1 Idaho Falls, ID – Gain/Loss Study
Exhibit E, Figure 9	KITT 260C3 Wilson, WY – Allocation Study
Exhibit E, Figure 10	KITT 260C3 Wilson, WY – 70 dBu Coverage Map
Exhibit E, Figure 11	KITT 260C3 Wilson, WY – Gain/Loss Study
Exhibit E, Figure 12	Soda Springs, ID – Remaining Services Study
Exhibit E, Figure 13	NEW 288C Meeteetse, WY - Allocation Study
Exhibit E, Figure 14	NEW 288C Meeteetse, WY - 70 dBu Coverage Map
Exhibit E, Figure 15	NEW 288C Meeteetse, WY – Gain/Loss Study
Exhibit E, Figure 16	KVFX 233C0 Logan, UT – Allocation Study
Exhibit E, Figure 17	KVFX 233C0 Logan, UT - 70 dBu Coverage Map
Exhibit E, Figure 18	KVFX 233C0 Logan, UT – Gain/Loss Study

## **ENGINEERING STATEMENT**

**In Support of a  
Counterproposal  
MB Docket 05-243  
The Joint Parties  
Meeteetse, WY**

### **Introduction**

Sandhill Media Group, LLC (“Sandhill Group”), licensee of Station KUPI-FM, Idaho Falls, Idaho and Sand Hill Media Corporation (“Sand Hill Corporation”), licensee of Station KADQ-FM Rexburg, Idaho, (together, the “Joint Parties”) hereby offers the instant engineering statement in support of its counterproposal to the *Notice of Proposed Rule Making*, DA 05-2205 (rel. July 29, 2005) (“*NPRM*”) in the above-captioned proceeding. The counterproposal is mutually exclusive to MB Docket 05-243, which proposes the allocation of channel 259C at Meeteetse, WY, as that community’s first local service.

All proposed spectrum modifications are first demonstrated by a channel or allocations study. The study shows the spacings to all known FM entries in the Commission’s database, and it also establishes if additional spectrum modifications are required. Spectrum modifications that require antenna site relocations, class changes or community of license changes are followed by a series of maps demonstrating compliance with all current Commission allotment rules.

The Joint Parties’ counterproposal creates first aural reception service to 322 persons in southwest Montana and north central Idaho under Priority 1 of the Commission’s allotment priorities. It also provides first local services at Wilson, WY, (population 1,294) and Lima, MT (population 242). While the total population of these communities exceeds that of Meeteetse, WY (population 351), the instant counterproposal provides for a first local service at Meeteetse on channel 288C instead of 259C. In fact, at the site proposed for Channel 288C at Meeteetse, the Joint Parties’ counterproposal has the added benefit of providing first aural service to 6 persons and a portion of US Highways 26 and 287 which are major access routes used by visitors to Yellowstone and Grand Teton National Parks also under Priority 1. In addition to the increase in population receiving new service, the instant counterproposal is preferred as it creates first local service under Priority 3 of the Commission’s allotment priorities at three communities while the addition of Channel 259C at Meeteetse only provides first local service under Priority

3 to a single community. Finally, the net increase in total population served as a result of the counterproposal is 205,643 persons under Priority 4. The following is a summary of the changes proposed to the FM Table of Allotments (listed alphabetically by state):

<b>City</b>	<b>Current</b>	<b>Proposed</b>
Idaho Falls, ID	241C, <b>256C1</b> , 277C1, 288C1, 296C1	241C, <b>263C1</b> , 277C1 288C1, 296C1
Rexburg, ID	<b>232C2</b> , 251C1, <b>263C1</b>	<b>232C1</b> , 251C1, <b>256C2</b>
Soda Springs, ID <sup>1</sup>	<b>261C2</b>	-----
Lima, MT	-----	<b>262C2</b>
Logan, UT	225C1, <b>233C</b>	225C1, <b>233C0</b>
Wilson, WY	-----	<b>260C3</b>

The Joint Parties' counterproposal is presented first with a Methods section that demonstrates the end results and the spectrum changes, and sub changes where needed, required to implement the request. A section entitled Exhibits Explained follows this. It lists each technical exhibit and the data it documents.

---

<sup>1</sup> Soda Springs, ID, will continue to be served by KBRV (AM) 790 kHz.

## **Methods**

- I) **262C2 Lima, MT** The Joint Parties propose to add channel 262C2 Lima, MT, as that community's first local service. The allotment of channel 262C2 at Lima at coordinates N44-42-58, W112-40-40, creates a short space to one facility: a) KBYI channel 263C1 Rexburg, ID, is short by 36.93 kilometers.
- a) **KBYI** To eliminate the short space created by the proposed allotment of 262C2 at Dillon with channel 263C1 Rexburg (KBYI), the Joint Parties propose to delete channel 263C1 at Rexburg and substitute channel 232C1 at KBYI's licensed site. The allotment of channel 232C1 at Rexburg is short to two facilities: i) KADQ channel 232C2 at Rexburg is short by 222.56 kilometers; and ii) KVFX channel 233C Logan is short by 1.33 kilometers.
- i) **KADQ** To eliminate the short space created by the proposed allotment of 232C1 at Rexburg for use by KBYI, the Joint Parties propose to delete channel 232C2 at Rexburg (KADQ) and substitute channel 256C2 at KADQ's licensed site. The allotment of channel 256C2 at Rexburg is short to one facility: i) Station KUPI-FM channel 256C1 at Idaho Falls, ID, is short by 198.95 kilometers.
- (1) **KUPI-FM** To eliminate the short space created by the proposed allotment of 256C2 at Rexburg (KADQ), the Joint Parties propose to delete channel 256C1 at Idaho Falls (KUPI-FM) and substitute channel 263C1 at coordinates N43-18-24, W111-54-04. The allotment of Channel 263C1 at Idaho Falls is short to one facility: KITT 261C2 is 0.8 kilometers short.
- (a) **KITT** To eliminate the short space created by the proposed allotment of 263C1 at Idaho Falls, the Joint Parties propose to delete channel 261C2 at Soda Springs, ID, and allot channel 260C3 to Wilson, WY, as that community's first local service at coordinates N43-33-15, W110-51-38. Currently channel 261C2 at Soda Springs is used by KITT, and the Joint Parties request that its license be modified accordingly. The allotment of

channel 260C3 at Wilson is short to channel 261C2 at Soda Springs by 4.48 kilometers. Thus, the community of license change is MX. The allotment of KITT at Wilson is short spaced to one facility: i) NPRM 259C Meeteetse.

**This is the MX point between the instant counterproposal and the NPRM.**

- (i) **NPRM 259C Meeteetse, WY** To eliminate the short space between 260C3 at Wilson and the NPRM of channel 259C at Meeteetse, the Joint Parties propose the substitution of channel 288C for 259C with a site modification 9.6 kilometers southeast of the community at coordinates N44-05-55, W108-47-03. No other spectrum changes are necessary.
- ii) **KVFX** To eliminate the short space created by the proposed allotment of 232C1 at Rexburg for use by KBYI, the Joint Parties propose to downgrade KVFX 233C Logan, UT, from 233C to 233C0 at its licensed site. KVFX currently operates with a Height Above Average Terrain of 350 meters and an effective radiated power of 70 kilowatts. Therefore, the downgrade from Class C to Class C0 will correctly define the station's actual facilities. The allotment of channel 233C0 at Logan is short to no other facilities.

## **Exhibits Explained.**

### **Channel 262C2 Lima, Montana**

Exhibit E, Figure 1 is an allocation study showing the spacings to other stations if channel 262C2 is allocated at Lima, MT, as that community's first local aural service. The only short spacing shown is KBYI, channel 263C1 in Rexburg, ID. Exhibit E, Figure 2 shows the proposed city-grade contour for channel 262C2 from the proposed site. The city-grade contour easily covers 100% of Lima, MT. Exhibit E, Figure 3 is a new services study that demonstrates the proposed areas that channel 262C2 will cover as a result of the proposed allocation. It should be noted that first aural service shall be provided to 322 persons as a result of this allocation as white area will be eliminated to a substantial region of southwest Montana and north central Idaho.

### **Channel 232C1 Rexburg, Idaho**

In order to allocate channel 262C2 at Lima, the short spacing with channel 263C1 (KBYI) in Rexburg, ID, must be eliminated. Exhibit E, Figure 4 is an allocation study showing the spacings to other stations if channel 232C1 is substituted for channel 263C1 at Rexburg, ID, for use by KBYI at its licensed site. The only short spacings shown are KADQ, channel 232C2 in Rexburg, ID, and KVFX 233C in Logan, UT. Since the channel change is occurring at the currently licensed site and there is no change in class, no community coverage exhibit is included.

### **Channel 256C2 Rexburg, ID**

In order to allocate channel 232C1 at Rexburg for use by KBYI, the short spacing with channel 232C2 (KADQ) also in Rexburg, ID, must be eliminated. In order to alleviate this short spacing, it is proposed to substitute channel 256C2 for channel 232C2 at Rexburg with no site change needed. Exhibit E, Figure 5 is an allocation study showing the proposed short spacing one facility: KUPI-FM 256C1 Idaho Falls, ID. Since the channel change is occurring at the currently licensed site and there is no change in class, no community coverage exhibit is included.

#### Channel 263C1 Idaho Falls, ID

In order to allocate channel 256C2 at Rexburg for KADQ, the short spacing with KUPI-FM 256C1 at Idaho Falls, ID, must be eliminated. In order to alleviate this short spacing, it is proposed to substitute channel 263C1 for channel 256C1 at Idaho Falls at a new site. Exhibit E, Figure 6 is an allocation study showing the proposed change short spacing one facility: KITT 261C2 Soda Springs, ID. Note: The Joint Parties proposed to change KBYI's channel from 263C1 to 232C1 earlier in this proposal to accommodate the addition of 262C2 at Lima, MT. Exhibit E, Figure 7 shows the proposed city-grade contour for channel 263C1 from the proposed site. The city-grade contour easily covers 100% of Idaho Falls with complete line of sight. Exhibit E, Figure 8 is a gain/loss study that demonstrates the proposed areas that channel 263C1 will cover and 256C1 will no longer cover as a result of the proposed relocation and channel change. Exhibit E, Figure 9 is a remaining services study showing that no white or grey area is being created by the relocation of KUPI-FM to a new site.

#### Channel 260C3 Wilson, WY

In order to allocate channel 263C1 at Idaho Falls, the short spacing with channel 261C2 (KITT) in Soda Springs, ID, must be eliminated. In order to alleviate this short spacing, it is proposed to delete channel 261C2 at Soda Springs and allocate channel 260C3 at Wilson, WY, as that community's first local aural service. Exhibit E, Figure 9 is an allocation study showing the proposed short spacing one new facility: the NPRM to add channel 259C at Meeteetse, WY.

**This is point at which the instant counter proposal becomes mutually exclusive with the petition for rulemaking in MB Docket 05-243.** Exhibit E, Figure 10 shows the proposed city-grade contour for channel 260C3 from the proposed site. The city-grade contour easily covers 100% of Wilson, WY. Exhibit E, Figure 11 is a gain/loss study that demonstrates the proposed areas that channel 260C3 will cover at Wilson. Exhibit E, Figure 12 is a remaining services study showing that no white area is being created. However, some grey area will be created as a result of the relocation affecting 169 persons. Nevertheless, by adding 1<sup>st</sup> aural reception service to 381 persons elsewhere in this proposal, the Commission's allotment priorities are furthered in this proposal with a more efficient use of the spectrum under Priority 1.



#### Channel 259C Meeteetse, WY

In order to allocate channel 260C3 at Wilson, the short spacing with the NPRM to add channel 259C at Meeteetse, WY, must be eliminated. In order to alleviate this short spacing, it is proposed to substitute channel 288C for 259C and move the allotment coordinates to a new site. Exhibit E, Figure 13 is an allocation study showing the proposed change short spacing no other facilities. Exhibit E, Figure 14 shows the proposed city-grade contour for channel 288C from the proposed site. The city-grade contour easily covers 100% of Meeteetse with complete line of sight. Exhibit E, Figure 15 is a gain/loss study that demonstrates the proposed areas that channel 288C will cover and 259C will no longer cover as a result of the proposed relocation and downgrade.

#### Channel 233C0 Logan, UT

In order to allocate channel 232C1 at Rexburg for KBYI, the short spacing with channel 233C (KVFX) in Logan, UT, must be eliminated. In order to alleviate this short spacing, it is proposed to substitute channel 233C0 for channel 233C at Logan. Since KVFX currently operates with a Height Above Average Terrain of 350 meters and an Effective Radiated Power of 70 kilowatts, the C0 designation is appropriate for the station and no actual loss of coverage will occur. Exhibit E, Figure 16 is an allocation study showing the proposed short spacing no facilities. Exhibit E, Figure 17 shows the proposed city-grade contour for channel 233C0 from the KVFX site. The city-grade contour easily covers 100% of Logan, UT. Exhibit E, Figure 18 is a gain/loss study that demonstrates the proposed areas that channel 233C0 will cover and 233C will no longer cover as a result of the proposed relocation. Note, even though the re-designation from 233C to 233C0 is technically a downgrade, the actual contour map for the 233C0 will be larger than the contour map for 233C since, for all class C facilities, the actual coverage must be used in gain /loss studies.

## **Conclusion**

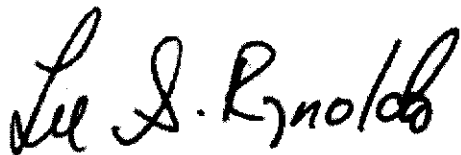
The Joint Parties' counterproposal has demonstrated that it is in technical compliance with the present Commission Rules concerning such actions. The counterproposal produces a new aural service to be available for the first time to some 322 persons in rural areas of southwest Montana and north central Idaho and 6 persons in rural areas of west central Wyoming. It also provides first local service at Lima, Montana, and Meeteetse, WY. Finally, the counterproposal creates a net increase in new 60-dBu service to 205,643 persons.

## **Statement of the Consultants**

The instant engineering portion of a counterproposal was prepared for the Joint Parties and supports a counterproposal to MB Docket 05-243. It was developed by Reynolds Technical Associates, LLC ("RTA") and may not be used for purposes other than submission to the Commission by the Joint Parties. It may not be reproduced in its entirety, or in part, by anyone (other than from the Commission) without the written consent of RTA.

The information in this application is compiled from the most recent Commission and outside data. RTA is not responsible for errors resulting from incorrect data or unpublished rule and procedure changes.

For Reynolds Technical Associates, LLC:

A handwritten signature in black ink, reading "Lee S. Reynolds". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Lee S. Reynolds  
September 19, 2005

12585 Old Highway 280 East, Suite 102  
Chelsea, Alabama 35043  
(205) 618-2020

# ENGINEERING STATEMENT

In Support of a  
Counterproposal  
MB Docket 05-243

## Summary of Channel Assignments

(Depicting all communities, channels, and modifications)

COMMUNITY	PRESENT	PROPOSED	COMMENTS
Lima, MT	-----	262C2	Channel 262C2 will be added at Lima as that community's first local service (population 242). The addition of this channel will also provide first aural reception service to 381 persons.
Rexburg, ID	232C2, 251C1, 263C1	231C1, 251C1, 256C2	Delete channel 263C1 at Rexburg and allocate channel 232C1 at Rexburg at the current site for KBYI. Also, delete channel 232C2 at Rexburg and allocate channel 256C2 at Rexburg at the current site for KADQ-FM.
Idaho Falls, ID	241C, 256C1, 277C1, 288C1, 296C1	241C, 263C1, 277C1, 288C1, 296C1	Delete channel 256C1 at Idaho Falls and allocate channel 263C1 at Idaho Falls at a new site for KUPI-FM.
Wilson, WY	-----	260C3	Delete channel 261C2 at Soda Springs, ID, and allocate MX channel 260C3 at Wilson, WY, for use by KITT. The allocation of 260C3 will provide first local service to Wilson with a population of 1,294 according to the 2000 US Census.
Soda Springs, ID	295C, KXOL-AM 1660 kHz	KBRV-AM 790 kHz	Channel 262C2 will be deleted at Soda Springs, ID and channel 260C3 allocated at Wilson, WY. Soda Springs will continue to receive service from KBRV-AM 790 kHz.
Meeteetse, WY	259C (proposed)	288C	Delete vacant allotment channel 273C at Meeteetse and allocate channel 288C instead of the proposed 259C at a new site for the vacant allotment.

# ENGINEERING STATEMENT

In Support of a  
Counterproposal  
MB Docket 05-243

ADD 262C2 Lima, MT  
Allocation Study

## REFERENCE

44 42 58 N  
112 40 40 W

CLASS = C2  
Current Spacings

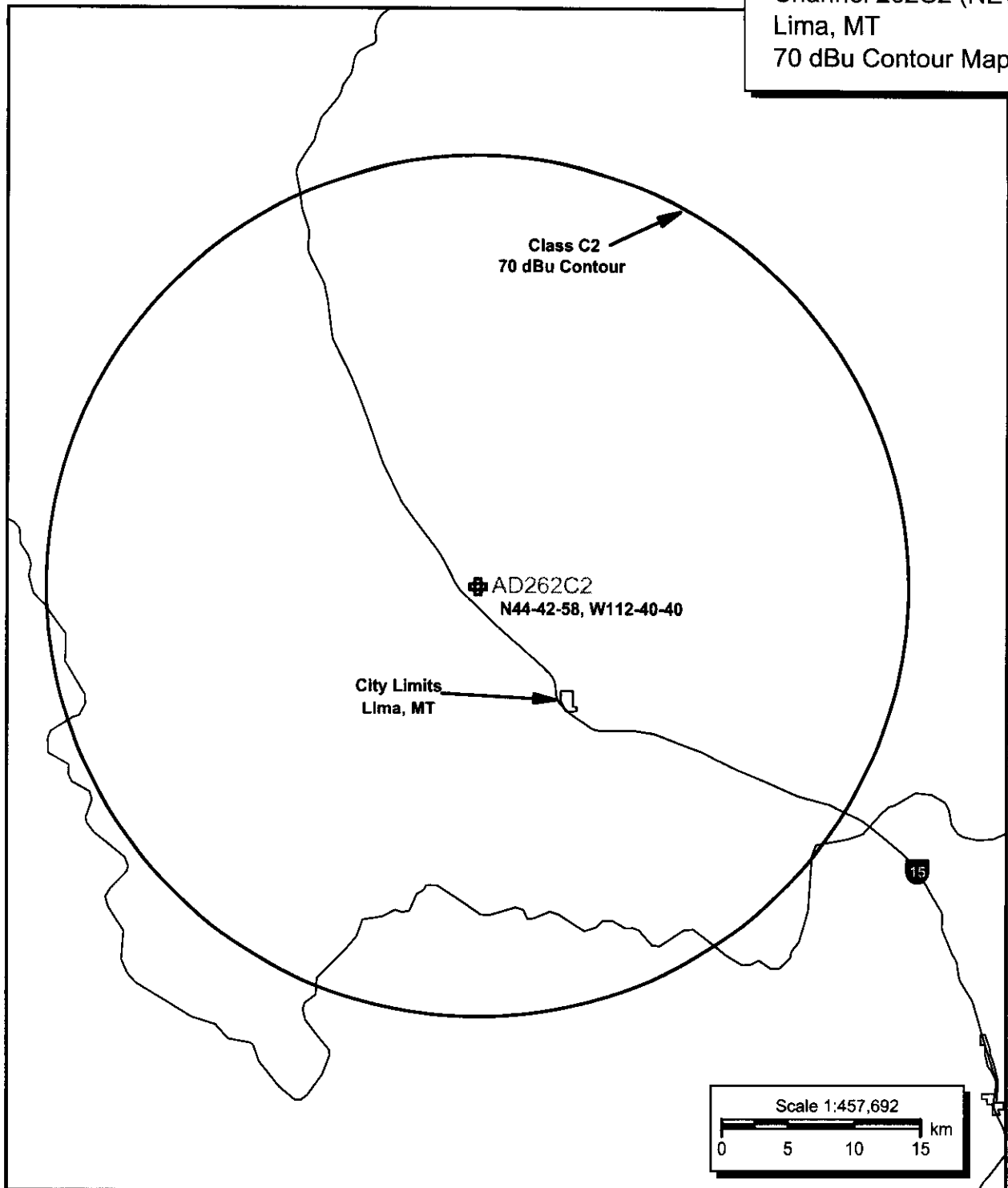
## DISPLAY DATES

DATA 09-16-05  
SEARCH 09-17-05

----- Channel 262 - 100.3 MHz -----

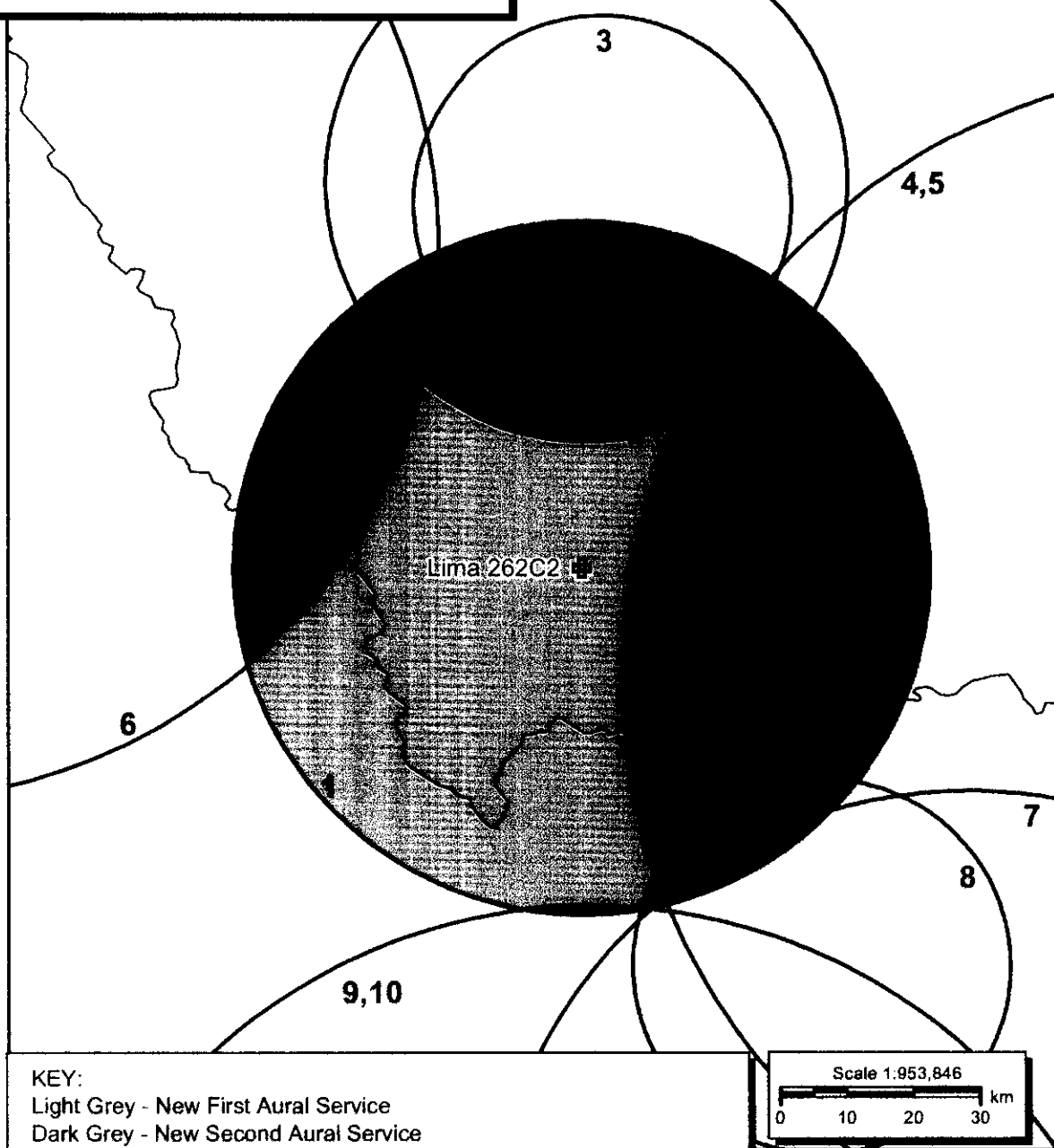
Call	Channel	Location	Dist	Azi	FCC	Margin
-----						
	Community of Lima	MT	11.16	142.0		
	Reference Coordinates: N44-38-13, W112-35-28					
KBYI	LIC 263C1	Rexburg	ID 120.57	151.4	158.0	-37.43
Of Concern:						
Changes to Channel 232C1 at current site in the instant counterproposal.						
-----						

Channel 262C2 (NEW)  
Lima, MT  
70 dBu Contour Map



Gain Area: 8560.29 sq km  
 Population Gain: 1,298 persons  
 New First Aural Service: 322 persons  
 New Second Aural Service: 158 persons

Gain Area / New Services Study  
 262C2 Lima, MT



**KEY:**

Light Grey - New First Aural Service  
 Dark Grey - New Second Aural Service  
 Black - More than two services present

- |                               |                               |
|-------------------------------|-------------------------------|
| 1 - ADD 262C2 Lima, MT        | 6 - New CP - 233C0 Salmon, ID |
| 2 - KBRV Dillon, MT           | 7 - KBYI 232C1 (proposed)     |
| 3 - KDWG Dillon, MT           | 8 - ALLO 286A Dubois, ID      |
| 4 - KWYS Island Park, ID      | 9 - KLCE Blackfoot, ID        |
| 5 - KEZQ West Yellowstone, MT | 10 - KCVI Idaho Falls, ID     |

Page 15

Exhibit E  
 Figure 3

# ENGINEERING STATEMENT

In Support of a  
Counterproposal  
MB Docket 05-243

KBYI 232C1 Rexburg, ID  
Allocation Study

## REFERENCE

43 45 44 N  
111 57 30 W

CLASS = C1  
Current Spacings

## DISPLAY DATES

DATA 09-16-05  
SEARCH 09-17-05

----- Channel 232 - 94.3 MHz -----

Call	Channel	Location	Dist	Azi	FCC	Margin
KADQFM	LIC 232C2	Rexburg	ID 0.94	218.0	224.0	-223.06
Of concern: Changes to 256C2 at current site in instant counterproposal.						
KVFX	LIC 233C	Logan	UT 207.17	180.1	209.0	-1.83
Of concern: Changes to 233C0 at current site in instant counterproposal.						
KVFX	PRO 233C0	Logan	UT 207.17	180.1	196.0	11.17
Of note Proposed change to 233C0 at current site in instant counterproposal.						
KPKY	LIC 235C	Pocatello	ID 108.46	204.6	105.0	3.46
KZBQ	LIC 229C	Pocatello	ID 109.27	204.4	105.0	4.27
VA232	VAC 232C3	Hazelton	ID 218.95	234.5	211.0	7.95
KZBQ.C	CP 229C0	Pocatello	ID 109.74	204.5	94.0	15.74
NEW .C	CP 232C3	Hazelton	ID 230.23	240.9	211.0	19.23
NEW .C	CP -D 233C0	Salmon	ID 224.22	314.1	196.0	28.22
RADD	ADD 286A	Dubois	ID 50.89	334.8	22.0	28.89
KOPR	LIC 231C	Butte	MT 252.29	351.5	209.0	43.29
AU062	VAC 231A	Dubois	WY 189.40	96.6	133.0	56.40

**ENGINEERING STATEMENT**  
**In Support of a**  
**Counterproposal**  
**MB Docket 05-243**

KADQ 256C2 Rexburg, ID  
Allocation Study

REFERENCE  
43 45 20 N  
111 57 56 W

CLASS = C2  
Current Spacings

DISPLAY DATES  
DATA 09-16-05  
SEARCH 09-17-05

----- Channel 256 - 99.1 MHz -----

Call	Channel	Location	Dist	Azi	FCC	Margin
KUPIFM RSV 256C1	Idaho Falls	ID	0.00	0.0	224.0	-224.00
Of Concern: Changes to 263C1 at new site in instant counterproposal.						
KUPIFM LIC 256C1	Idaho Falls	ID	24.55	164.6	224.0	-199.45
Of Concern: Changes to 263C1 at new site in instant counterproposal.						
KUPIFM APP-N 256C1	Idaho Falls	ID	24.55	164.6	224.0	-199.45
Of Concern: Changes to 263C1 at new site in instant counterproposal.						
AP203 APP-D 203C1	Blackfoot	ID	54.78	246.4	27.0	27.78
NEW .C CP -N 258C1	Aberdeen	ID	107.58	204.5	79.0	28.58
KTPZ LIC 256C	Mountain Home	ID	286.40	259.7	249.0	37.40
KLLP.C CP 253C2	Chubbuck	ID	97.72	198.5	58.0	39.72
KLLP LIC 253C2	Chubbuck	ID	97.72	198.5	58.0	39.72
KNYN.A APP-N 256A	Franklin	ID	209.70	176.4	166.0	43.70
KNYN RSV 256A	Franklin	ID	209.70	176.4	166.0	43.70
KNYN RSV 256A	Franklin	ID	209.70	176.4	166.0	43.70
RDEL DEL 258C2	Aberdeen	ID	102.14	215.7	58.0	44.14
KLLP.A APP-N 253C2	Chubbuck	ID	107.55	204.5	58.0	49.55
KCMM LIC 256C3	Belgrade	MT	231.52	14.4	177.0	54.52
AL255 RSV 255C3	Franklin	ID	176.80	175.9	117.0	59.80
KRSVFM LIC 254A	Afton	WY	128.49	141.2	55.0	73.49





**ENGINEERING STATEMENT**  
**In Support of a**  
**Counterproposal**  
**MB Docket 05-243**

**KUPI-FM 263C1 Idaho Falls, ID**  
**Allocation Study**

**REFERENCE**  
**43 18 24 N**  
**111 54 04 W**

**CLASS = C1**  
**Current Spacings**

**DISPLAY DATES**  
**DATA 09-16-05**  
**SEARCH 09-17-05**

----- Channel 263 - 100.5 MHz -----

Call	Channel	Location	Dist	Azi	FCC	Margin
KBYI	LIC 263C1	Rexburg	ID 50.82	354.8	245.0	-194.18
Of Note: Substitute channel 232C1 for KBYI's use at its current site.						
KEGH	LIC 264C	Brigham City	UT 171.14	189.2	209.0	-37.86
Of No Concern: Channel 264C was deleted at Brigham City in MB Docket 02-294.						
RDEL	DEL 264C	Brigham City	UT 171.14	189.2	209.0	-37.86
Of No Concern: Channel 264C was deleted at Brigham City in MB Docket 02-294.						
KITT.C	CP -Z 261C2	Soda Springs	ID 78.20	155.8	79.0	-0.80
Of Concern: Channel 260C3 at Wilson, WY, proposed as a substitute in the instant counterproposal.						
KITT	LIC 261A	Soda Springs	ID 77.57	162.2	75.0	2.57
Of Note: Channel 260C3 at Wilson, WY, proposed as a substitute in the instant counterproposal.						
RADD	PRO 262C2	Lima	MT 168.53	338.6	158.0	10.53
Of Note: Proposed facility in the instant counterproposal.						
RADD	ADD 263A	Opal	WY 218.07	141.0	200.0	18.07
KZDX	LIC 260C	Burley	ID 176.20	232.7	105.0	71.20

